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7 GOORIN BROS., INC.,  
8 Plaintiff,  
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10 v.  
11 GOLDSTARHAT LLC,  
12 Defendant.  
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Case No. 24-cv-05579-RS

**ORDER REQUIRING HEARING ON  
DAMAGES SOUGHT VIA DEFAULT  
JUDGMENT**

15 Plaintiff Goorin Bros., Inc. sued Defendant GoldStarHat LLC in August 2024, averring  
16 trademark and trade dress infringement as well as violations of the California Unfair Competition  
17 Law. A hat-maker, Plaintiff claims that Defendant sells competing hats online that feature  
18 Plaintiff's trademark trapezoid design mark and copy Plaintiff's trade dress, which comprises non-  
19 functional elements including the "trucker" style and animal images centered within a square-  
20 framed patch. Plaintiff seeks an injunction to restrain Defendant from using the design marks and  
21 trade dress as well as damages to the tune of \$1.41 million, plus \$1 million in punitive damages.  
22 Defendant having failed to appear or respond to the complaint, Plaintiff now moves for entry of  
23 default judgment.

24 Under Federal Rule of Civil Procedure 55, entering a default judgment is a two-step  
25 process: prior to entry of a default judgment, there must first be an entry of a default. Fed. R. Civ.  
26 P. 55. Following entry of default, a district court may in its discretion grant relief upon an  
27 application for default judgment. *Aldabe v. Aldabe*, 616 F.2d 1089, 1092 (9th Cir. 1980). In this  
28 process, well-pleaded factual allegations in the complaint are taken as true, except as to the

1 amount of damages. *Fair Hous. of Marin v. Combs*, 285 F.3d 899, 906 (9th Cir.2002). For those,  
2 Plaintiff must prove the relief it seeks through testimony or written affidavit. *Bd. of Trs. of the*  
3 *Boilermaker Vacation Trust v. Skelly, Inc.*, 389 F.Supp.2d 1222, 1226 (N.D. Cal. 2005). “[A]  
4 default judgment for money may not be entered without a hearing unless the amount claimed is a  
5 liquidated sum or capable of mathematical calculation.” *Davis v. Fendler*, 650 F.2d 1154, 1161  
6 (9th Cir. 1981).

7 In this instance, the amount Plaintiff claims is not a liquidated sum, and it is unclear  
8 whether it is capable of mathematical calculation on the current record. Thus, for any money  
9 damages to be awarded, a hearing is necessary. Plaintiff is ordered to appear for a hearing on  
10 Thursday, July 24, 2025, at 2pm, in San Francisco, Courtroom 03, 17<sup>th</sup> Floor. Plaintiff is to  
11 present a more fulsome explanation of how it calculated the damages in this case. It appears to  
12 argue that, because *one* of Gold Star’s products has received 140 reviews on Amazon, and  
13 assuming that “only a small fraction of the overall purchasers leave a review,” Defendant must  
14 have sold at least 1,000 units of *each* of its 48 infringing products. At roughly \$40 per hat,  
15 Plaintiff argues, Gold Star’s gross sales must be \$1.92 million—a figure which Plaintiff then  
16 halves “to hedge its estimates” and in light of equitable principles. That amount, when combined  
17 with \$450,000 in statutory damages, sums to the \$1.41 million in compensatory damages sought.  
18 Plaintiff separately seeks \$1 million in punitive damages because it claims that Gold Star “ignored  
19 Goorin’s take down notices, then tried to hide their ongoing infringements.” Dkt. No. 16 at 27.

20 At the hearing, Plaintiff will have an opportunity to explain whether the other infringing  
21 products sold on Amazon have received reviews that support its estimates, as well as to explain  
22 why \$1 million is an appropriate sum for punitive damages. If Plaintiff would prefer appearing  
23 virtually or on a different Thursday, it may so request.

24  
25 **IT IS SO ORDERED.**

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27 Dated: June 25, 2025

28 ORDER REQUIRING HEARING  
CASE NO. 24-cv-05579-RS

United States District Court  
Northern District of California

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RICHARD SEEBORG  
Chief United States District Judge

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